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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,466	04/06/2001	Frederick Schuessler	7157-291	6160
30636 7590 07/31/2007 FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			EXAMINER FUREMAN, JARED	
			ART UNIT 2876	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/827,466	SCHUESSLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jared J. Fureman	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-6,9-11,13,14,18-20,23-25,28-30,32,33,37,38,116 and 137-146 is/are allowed.
- 6) ☒ Claim(s) 131 and 133-136 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Disposition of Claims: Claims pending in the application are 1,4-6,9-11,13,14,18-20,23-25,28-30,32,33,37,38,116,131 and 133-146.

### **DETAILED ACTION**

Receipt is acknowledged of the appeal brief, filed on 3/26/2007, which has been entered in the file. Claims 1, 4-6, 9-11, 13, 14, 18-20, 23-25, 28-30, 32, 33, 37, 38, 116, 131 and 133-146 are pending.

1. In view of the appeal brief filed on 3/26/2007, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 131 and 133 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al (6,199,048 B1, previously cited) in view of Bayrakeri (US 6,185,602 B1, previously cited).

Hudetz et al teaches (re claim 131) a method comprising: receiving bar codes (bar code symbol 46, see figure 2) selected by a group of users using bar code readers (users of local host 28 and input device 44, see figures 1 and 2); allowing the group of users to connect to an Internet portal (service provider 22, see figure 1) in response to receiving the bar codes; permitting the group of users to access a common web page (stored at the location identified by URL field 74, see figure 4) based on information encoded in each bar code (UPC fields 70 and 72) and based on destination information (the URL 74 of the Web-site associated with UPC fields 70 and 72) corresponding to the

received bar codes, wherein the destination information is accessible from the Internet portal; (re claim 133) receiving bar codes selected by a group of users using bar code readers each bar code associated with source information (such as a terminal or network identification of the local host 28 or a user's login information, for example) identifying a user of the bar code readers; providing data received from the Internet portal to said at least one user of at least one of the bar code readers based on the received source information (the service provider 22 must have an identification of the local host 28, in order to know which information to send to a specific local host 28, for example).

Hudetz et al fails to specifically teach (re claim 131) permitting the group of users to communicate with each other through the common web page.

Bayrakeri teaches multi-user interaction over the Internet through the use of chat rooms (a chat room represents a common web page), for example (see column 1, lines 25-37). Bayrakeri states that multi-user interaction can be applied in a variety of applications, such as virtual chat rooms, entertainment and electronic commerce (see column 2, lines 1-13).

In view of Bayrakeri's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Hudetz et al, permitting the group of users to communicate with each other through the common web page, (the web page of a chat room, for example), thereby allowing users to communicate with other users having similar interests, such as the interest or use of particular products, and generating further interest and customer loyalty to the product.

5. Claims 134-136 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al as modified by Bayrakeri in view of Bianco (US 5,979,762, previously cited).

The teachings of Hudetz et al as modified by Bayrakeri have been discussed above.

Hudetz et al as modified by Bayrakeri fails to specifically teach allowing at least one user to connect to the Internet portal when encryption of bar code information is not indicated and not allowing the user to connect to the Internet portal when encryption of the bar code information is indicated; connecting said at least one user to the Internet portal depending upon whether the encryption of the bar code information is turned off.

Bianco teaches a method for providing encrypted bar codes and allowing a user access to selected information/areas in dependence of whether the bar code is encrypted or not (see figures 2-3, column 2 lines 48-64, and column 3 line 15 - column 5 line 42).

In view of Bianco's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Hudetz et al as modified by Bayrakeri, allowing at least one user to connect to the Internet portal when encryption of bar code information is not indicated and not allowing the user to connect to the Internet portal when encryption of the bar code information is indicated; connecting said at least one user to the Internet portal depending upon whether the encryption of the bar code information is turned off, in order to provide greater security.

***Allowable Subject Matter***

6. Claims 1, 4-6, 9-11, 13, 14, 18-20, 23, 24, 25, 28-30, 32, 33, 37, 38, 116 and 137-146 have been allowed over the prior art of record. The reasons for allowance for claims 1, 4-6, 9-11, 13, 14, 18-20, 23, 24, 25, 28-30, 32, 33, 37, 38, 116 and 137-146 was recited in the office action mailed on 10/12/2006 (see pages 5-7).

***Response to Arguments***

7. Applicant's arguments (see pages 7-10 of the appeal brief filed on 3/26/2007) with respect to claim 131 have been considered but are moot in view of the new ground(s) of rejection. As discussed above, Bayrakeri teaches permitting a group of users to communicate with each other through a common web page. Thus, the combination of Hudetz et al and Bayrakeri teach/suggest the claimed invention.

8. Applicant's arguments filed 3/26/2007, with respect to claims 134-136, have been fully considered but they are not persuasive.

Applicants argue that simply because Bianco teaches that an unencrypted bar code can be accessed by a standard reader does not mean that a user is allowed to connect to an Internet portal, similarly, just because Bianco teaches using a specialized reader to read encrypted bar codes does not mean that a user is denied access to the Internet portal (see page 11 of the appeal brief filed on 3/26/2007); and Applicants argue that there is no teaching or suggestion in either Hudetz or Bianco to connect to

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the Internet portal when encryption of bar code information is not indicated and not allowing the user to connect to the Internet portal when encryption of the bar code information is indicated; connecting the user to the Internet portal depending upon whether the encryption of the bar code information is turned off (see pages 11-12 of the appeal brief filed on 3/26/2007), the examiner respectfully disagrees. Bianco teaches that a bar code symbol 22 encrypted in a unique format may be appended in front of bar code symbol 12 (see column 4, lines 1-9, of Bianco). The bar code symbol 22 requires a special decoder in order to translate the information. Thus, applications requiring security utilize bar code symbol 22 and a special decoder. If a user attempts to read encrypted bar code 22 with a "regular" bar code reader, the user can not access the bar code information, since a special decoder is required to read the encrypted bar code 22. Therefore, the combination of Bianco with Hudetz results in a method where a user would be connected through an Internet portal if the barcode was not encrypted, or the user would not be connected through the Internet portal if the bar code was an encrypted bar code and a special decoder was not used. Thus, since Hudetz teaches connecting a user to an Internet portal and Bianco teaches allowing access in dependence on whether a bar code is encrypted or not, the combination of Hudetz and Bianco meets the claimed limitations.

**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Perkowski (US 7,143,055 B1) teaches accessing product information through an Internet portal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 8:00 am - 5:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Jared J. Fureman*  
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Art Unit 2876

July 23, 2007

  
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